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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,196	11/13/2001	McGee Thomas	US 010521	3016

24737 7590 07/31/2006

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EXAMINER

MA, JOHNNY

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/014,196	THOMAS ET AL.	
	Examiner	Art Unit	
	Johnny Ma	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 and 15-27 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the Yen et al. reference, Applicant argues that Yen et al. fails to teach the newly added limitation claiming “automatically ranking the sources of media content based on both the identifying information obtained from the sources and from the profile” (Remarks, pg. 9). Specifically, Applicant argues “Yen is silent about ranking the selected sources of media, but simply identifies those sources that have passed that desired threshold” (Remarks, pg. 10). The examiner respectfully disagrees in view of Yen’s teaching of a list of recommended information items being presented to the user (Yen 13:50-52) wherein the list is ranked according to user preference or other methods such as alphabetically or arrival time (Yen 13:61-65). Also note the discussion of the rejection of claim 1 below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-13, 15-21, and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yen et al. (US 5,991,799).

As to claim 1, note the Yen et al. reference that teaches an information retrieval system using an internet multiplexer to focus user selection. The claimed “establishing a profile of a

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user corresponding to topics of interest and storing the profile” is met by “[i]n a memory, the background element 121 of the information multiplexer 120 records a set of preferences for the recipient, indicating the types of information the recipient is likely to be interested in” (Yen 9:37-40). The claimed “automatically scanning available media sources” is met by “[i]n a preferred embodiment, the background element 121 examines information items from a variety of sources, including both interactive sources and passive sources” (Yen 9:49-51). The claimed “based on the stored profile so as to select and extract a source of media content from the available media sources” is met by “[i]n response to each item, the background element 121 determines whether that item is sufficiently interesting to present to the recipient” based on the user’s preferences (Yen 9:37-10:67). The claimed “identifying information characterizing the content of the source” is met by “[t]he background element 121 may respond to the content of the item, to a header or tag associated with the item, to a crosslink to another item which is determined to be interesting...” (Yen 10:65-11:3). The claimed “comparing identifying information of the extracted source of media content to the profile without an input from the user” is met by “[i]n response to each item, the background element 121 determines whether that item is sufficiently interesting to present to the recipient” based on the user’s preferences (Yen 9:37-10:67). The claimed “and, if a match is found, indicating the media source as available for access” is met by “[w]hen the background element 121 determines that the item is sufficiently interesting to present to the recipient, the background element 121 transmits that item to the foreground element 122” (Yen 11:21-24). The claimed “automatically scanning available media sources for a next source of media content and extracting identifying information from the next source and comparing the identifying information from the next source to the profile” is met by “[i]n

response to each item, the background element 121 determines whether that item is sufficiently interesting to present to the recipient” based on the user’s preferences (Yen 9:37-10:67) wherein “[t]he background element 121 is continuously operational to control the information receivers 110, and to receive and process information therefrom (Yen 5:61-63). The claimed “and, if a match is found, indicating the next media source as available for access” is met by “[w]hen the background element 121 determines that the item is sufficiently interesting to present to the recipient, the background element 121 transmits that item to the foreground element 122” (Yen 11:21-24) wherein matches can be added to a list for presentation to a viewer (Yen 11:25-40). The claimed “and automatically ranking the extracted sources of media content based on matching of the identifying information obtained from each of the sources of media content and the stored profile” is met by “[i]n the engaging state 210, the foreground element 122 of the information multiplexer 120 presents identifiers for information items for selection by the recipient” (Yen 13:50-53), “[t]he foreground element 122 associates the focus with each identifier in a sequential order. The sequential order is preferably ordered in response to the recipient’s preferences, but may alternatively be alphabetized, ordered by arrival time, or placed in some other order” (Yen 13:61-65).

As to claim 2, the claimed “wherein the profile includes geographic and temporal limitations” is met by preferences according to a particular day of the week and time of day (Yen 12:20-30) and demographic information including a zip code (Yen 10:50-57).

As to claim 3, the claimed “wherein the scanning and comparing steps are repeated until all available media sources are scanned” is met by the continuous scanning and comparing of the information items from a plurality of sources (Yen 5:61-62; 9:49-51).

As to claim 4, the claimed “wherein the available sources of media include television broadcasts” is met by particular information to be presented include “[i]nformation from broadcast services, such as broadcast radio or television” (Yen 6:23-24).

As to claim 5, please see rejection of claim 4.

As to claim 6, the claimed “wherein the available sources of media include television broadcasts and website information” is met by particular information to be presented include “[i]nformation from broadcast services, such as broadcast radio or television” (Yen 6:23-24) and “[i]nformation from internet services, such as electronic mail or web pages” (Yen 6:25-26).

As to claims 7-9, the claimed “wherein the identifying information is extracted by extracting closed caption information from a video signal;” “from a screen text;” “using voice to text conversion processing” is met by “the tag or other annotation can be omitted, or can be supplemented using real-time voice recognition techniques to provide searchable text” (Yen 8:4-5) and the use of closed captioning information / screen text (Yen 4:34-61; 8:30-35).

As to claim 10, the claimed “wherein the sources of media content are made available at a first location and a user at a second location remote from the first location accesses the available sources of media content” is met by “primary uses of the internet access point 112 are to request and receive web pages and other information from web servers coupled to the network 118” (Yen 5:28-30).

As to claim 12, the claimed “wherein the topics of interest are selected from the group consisting of sports, weather, and traffic” is met by “[f]or example, the preferences can indicate that the recipient is very interested in sports reports for San Francisco teams, but only slightly interested in sports reports for other teams” (Yen 9:45-48).

As to Claim 13, *Yen* further teaches the system will prioritize the information sources in response to triggering events such as the arrival of new sources or changes to old sources (i.e., compares sources to see which is more timely or complete). (Col. 3, Ln. 35-55). Accordingly, *Yen et al* anticipate each and every limitation of Claim 13.

As to claim 15, please see rejection of claim 1 noting the *Yen et al.* reference teaches “system 100 comprises a plurality of information receivers 110, including at least one passive tuner 11 and at least one internet access point 112; an information multiplexer 120, including a processor, program and data memory, and mass storage; a presentation interface 130, including an output device 131 such as a television monitor and speakers, an input device 132 such as a television remote control, and a plurality of sensors such as a motion sensor 141 and a timer 142” (*Yen* 4:14-22).

As to claim 16, the claimed “wherein the receiver, processor and comparing device are constructed and arranged to scan through all media sources scannable by the receiver” is met by the continuous scanning and comparing of the information items from a plurality of sources (*Yen* 5:61-62; 9:49-51). The claimed “to compile a subset of available media sources for review that match the profile” is met by providing a list of suggested information items (*Yen* 13:50-52).

As to claim 17, please see rejection of claim 1.

As to claim 18, please see rejection of claim 4.

As to claim 19, the claimed “wherein the receiver comprises a first tuner constructed to process television signals” is met by “[t]he tuner 111 comprises a television signal tuner disposed for receiving broadcast television, cable television, or direct-broadcast television” (*Yen* 4:34-36). The claimed “and the system further comprising a second tuner constructed to assist in the

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display of either available media or other media” is met by “the tuner 111 may comprise another type of passive information receiver for other types of signals” (Yen 4:37-40) wherein the information receiver may comprise more than one passive tuner 111 (Yen 4:14-22).

As to claim 20, please see rejection of claim 4.

As to claim 21, the claimed “further comprising a web crawler” is met by the system will continuously receive and process information from the sources (i.e., web crawler) (Yen 5:55-63) wherein the sources include the Internet (4:62-5:52).

As to claim 26, the claimed “wherein the system monitors a user’s usage habits and modifies the profile based on those habits” is met by user preferences are responsive to a plurality of methods including “[b]eing set implicitly responsive to earlier selections made by the recipient...The information multiplexer 120 can subject the earlier selections made by the recipient to statistical or other tests to determine if those selections truly represent the recipient’s preferences” (Yen 10:5-22).

As to claim 27, the claimed “wherein the system includes an access screen, presenting both information contained within the accessible content and an access portal for accessing the accessible content” is met by “the information multiplexer 120 presents identifiers [information contained within the accessible content] for information items for selection by the recipient” (Yen 13:50-52) and “[t]he input device 132 has control disposed thereon so that the recipient can select an information item [access portal] in response to its identifier when that identifier has the focus...When an information item is selected, it is presented to the recipient for viewing, and is given seizure of the speaker for the output device” (Yen 14:12-24).

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US 5,991,799 of record) in further view of Schein et al. (US 6,133,909 of record).

Claim 11 recites the method of Claim 1, wherein one or more of the available media sources are recorded or download and reviewed at a later time. As discussed above, *Yen et al* anticipate each and every limitation of Claim 1, but fail to disclose those of Claim 11. However, within the same field of endeavor, *Schein* discloses a similar system which allows users to recorded media content for later review. (Col. 1, Ln. 28-43). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Yen* and *Schein* in order to provide a system which allows a user to view content at his or her convenience.

As to Claims 23 and 24, note the Yen et al. reference teaches an input device 132 for interacting with the disclosed system (Yen 14:12-17). However, the Yen et al. reference is silent as to "wherein the storage device is constructed and arranged to receive the profile information from a keyboard" and "wherein the storage device is constructed and arranged to receive the profile information for a keyboard from a signal generated when the user performs selected mouse clicks. Now note the *Schein* reference that further teaches profile information can be received from a keyboard and mouse, respectively. (Col. 4, Ln. 35-52). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the Yen et al. input device with the Schein et al. keyboard and mouse for the purpose of providing a particular and well known readily available input means for interacting with the Yen et al. system.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US 5,991,799 of record).

Claim 22 recites the system of Claim 15, wherein the receiver, storage device, processor, and comparing device are housed within a television set. As discussed above, *Yen et al* anticipate each and every limitation of Claim 15. However, the Yen et al. reference is silent as to the housing used for the disclosed system. Nevertheless, the Examiner takes Official Notice that, at the time of Applicant's invention, the integration of receivers (i.e., set top boxes) and televisions was well known in this art. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the system of *Yen* to contain an integrated television, thereby providing a more cost-efficient and space saving system.

7. Claims 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US 5,991,799 of record) in further view of Hendricks et al. (US 5,798,785 of record).

As to Claim 25, note the Yen et al. reference teaches a plurality of methods for constructing a user profile including allowing the recipient to specify classes of information items deemed interesting (Yen 9:64-10:62). However, the Yen et al. reference is silent as to "wherein the storage device contains a plurality of selectable predefined profiles. Now note the *Hendricks* reference that teaches the system can contain a plurality of selectable categories (i.e., predefined profiles). (Fig. 11d). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yen

et al. specifying of classes of information with the Hendricks selectable predefined profiles for the purpose of providing a convenient and faster mechanism for users to select classes of information of interest without the need to independently type or create information classes.

As to Claim 27, *Hendricks* further teaches the system includes a menu screen (i.e., access screen) that displays info related to the content and various categories (i.e., access portals) in which said content is contained. (Col. 11, Ln. 24-28; Fig. 11a-12b). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 27.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jm


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